

Attorney Docket Number: FSP0041
Title: SAFETY SHUTOFF FOR WATER HEATERS
Application Number: 10/729120

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REMARKS

In an office action mailed on 09/22/2006, claims 1, 3-5, 7-9 and 12 are rejected as unpatentable over a combination of Abraham, US Pub 01/0042564, and Brown, US Pub 05/0048427; claims 2, 6, 10, and 11 would be allowed if re-written to include the limitations of their base claims and any intervening claims.

Neither Abraham Nor Brown Teaches A Sensor Activated Switch Switching Current from a Second Current Source

Respectfully, the rejection fails to meet the minimum threshold requirements for a rejection under 35 USC 103(a). To sustain such a rejection, among other things, the combined references must teach all of the claim limitations. That minimum requirement is not met here, as neither Abraham nor Brown teaches a sensor activated switch disposed to switch current from a second current source to the solenoid lead, in a second direction different than the direction of current supplied by the thermocouple.

Claims 1 and 7 do not merely recite an apparatus including a sensor-activated switch. The claims recite the switch structurally disposed to switch current from a second current source to the solenoid. Nothing of the kind is taught by either Abraham or Brown.

Regarding claims 3, 4, 8, and 9, the rejection asserts that it would be obvious to replace the over-temperature switch of Brown with a fusible link. The applicant asserts that this is improper hindsight reasoning, and furthermore, Brown fails to teach other elements of the claims. For example, claim 3 recites that the fusible link couples the solenoid lead with the thermocouple and couples the solenoid lead with the second current source. Replacing the OTS of Brown with a fusible link would not result in any such couplings between the fuse, thermocouple, and solenoid.

The rejection of claims 4 fails for similar reasons. Claim 4 recites that the fusible link comprising a thermal fuse thermally coupled to an element of the sensor activated

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switch. If the OTS of Brown were replaced with a fuse, it would, among other deficiencies, not include a fuse thermally coupled to a sensor activated switch.

Conclusion

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

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